

REMARKS

This is intended as a full and complete response to the Office Action dated July 16, 2003, having a shortened statutory period for response set to expire on October 16, 2003. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, the paragraphs [0006] and [0038] have been amended to correct minor editorial problems.

Claims 1 - 22 remain pending in the application and are shown above. Claims 1 - 9 are rejected and claims 10 - 22 are objected to but otherwise indicated to be allowable by the Examiner. Reconsideration of the rejected claims is requested for reasons presented below.

Claim 3 is amended to correct improper dependency. The amendment is not presented to distinguish a reference, thus, the claim as amended is entitled to a full range of equivalents if not previously amended to distinguish a reference.

Claims 1, 2, 5 and 7 stand rejected under 35 USC § 102(e) as being anticipated by *Baisley* (US 6,502,112). Applicant respectfully traverses the rejection. Withdrawal of the rejection is respectfully requested.

Baisley is directed to a method for comparing two XML-based XML documents for identical content. The method begins with the step of parsing each of the documents to create a semantic graph of each documents' objects. (See, Abstract.) The Examiner suggests that the step of parsing the documents in *Baisley* is the same as invoking the specific data retrieval method in the present invention. The Applicant respectfully points out that the parsing performed in *Baisley* involves reading an XML document and creating a graph of its objects. (See Col. 4, lines 47-49.) This is done in *Baisley* so that in comparing two XML documents that are semantically identical, they are returned as equal, even if some semantically identical objects are located in different orders in the two documents. The tool in *Baisley* achieves this by parsing the documents, graphing their objects, sorting of the values of the objects that do not have a significant order, and comparing the resulted graphs. The specific data retrieval method of the present invention is invoked, however, only for those data lists in which data is not represented in a sortable format. In such cases, the specific data retrieval method transforms the

data to a sortable format. Baisley makes no distinction regarding the sortability of data, but rather only makes a distinction about which data is to be sorted (i.e., the values of the objects that do not have a significant order). Accordingly, *Baisley* does not teach, show or suggest invoking a specific data retrieval method on the basis of the sortability of data.

The Examiner further suggests that "the step of calling a generic data retrieval method if the data items are sortable in their default format is recited as a conditional step, and is thus not necessarily limiting the claim." The Applicant respectfully submits that this rejection is improper. Applicant notes that satisfaction of a condition as a prerequisite for an occurrence is fundamental to algorithmic inventions and Applicant is unaware of any legal or procedural authority for the Examiner's position. Claim 1 provides a binary situation, i.e., a situation for having only two possibilities, either the data items are sortable in a default format or the data items are not sortable in the default format. The claim recites a particular result for each possibility, i.e., calling a generic data retrieval method or calling a specific data retrieval method. Thus, it is the conditional aspect of the claim itself that must be considered for purposes of patentability. Since both possibilities are recited and result in different steps, any reference cited to support a rejection for anticipation must disclose both possibilities and the corresponding steps. Therefore, the claims are believed to be allowable and allowance of the same is respectfully requested.

Claims 3, 4, 6, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant acknowledges the allowable subject matter. However, claims 3, 4, 6, 8 and 9 have not been rewritten at this time because Applicant believes base claims of the allowable claims are allowable for the reasons stated above.

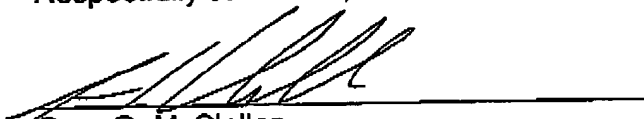
In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a

detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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